

RECEIVED
VERNON TOWN CLERK
MINUTES
VERNON TOWN COUNCIL MEETING
TOWN HALL - 14 PARK PLACE - 3rd Floor
VERNON, CONNECTICUT
JUN 18 PM 6:16

June 16, 2009 – 7:30 PM

The meeting was called to order by the Mayor at 7:32 PM

A) PLEDGE OF ALLEGIANCE:

ROLL CALL:

Present: Council Members Daniel Anderson, Bill Campbell, Bill Fox, Marie Herbst, Nancy E Herold, Brian R. Motola, Sean O'Shea, Pauline Schaefer, Harry D. Thomas,

Absent: Council Member Daniel Champagne,

Entered During Meeting: Council Members Mark Etre (7:40 PM), and Michael A. Winkler (8:15 PM)

Also Present: Mayor Jason L. McCoy, Town Administrator John Ward, Recording Secretary Jill Kentfield

CITIZEN'S FORUM

Bill Smith speaking on behalf of the Talcottville Congregational Church thanked the Town Council Members who participated in their annual Memorial Day Parade.

Citizen's forum closed at 7:36 PM

B.) PUBLIC HEARING

None

C.) PRESENTATION

Dr. Charlie Chatterton, former Chairman of the Connecticut Governor's Committee on Physical Fitness, has requested that Mayor Jason L. McCoy participate in the presentation of the 2009 Community Leadership Award, given by the President's Council on Physical Fitness and Sports. This year's recipient is Judi Manfre, the school nurse at Skinner Road School. Also participating will be members of the school administration and Board of Education.

The 2009 Community Leadership Award given by the President's Council on Physical Fitness and Sports was awarded to Judi Manfre the school nurse at Skinner Road School she is 1 of 16 people in the nation to win this award. She is known for her "early bird" exercise program at the school and the bicycle rodeo. Principal Wlodarczyk was present to offer commendation on her efforts. Steve Lenten, President of the Skinner Road PTO presented Ms. Manfre with the Community Leadership Award. Mayor McCoy presented Ms. Manfre with a mayoral proclamation.

Council Member Motola, seconded by Council Member Schaefer made a motion to approve the consent agenda items as presented. Mayor McCoy pulled item #9, Council Member Herold pulled item #'s 7 and 8, and Council Member Fox pulled item #3. Motion carried unanimously to approve the consent agenda items 1, 2, 4, 5 and 6 as presented.

D.) **CONSENT AGENDA ITEMS**

- C 1. **Request for Tax Funds Prior Years and Current Year.** (A copy of a memorandum from Terry Hjarne, Acting Collector of Revenue to John D. Ward, Town Administrator dated 06-08-2009 is included in the Council packet.)

PROPOSED MOTION:

THE TOWN COUNCIL HEREBY APPROVES SIX TAX REFUNDS TOTALLING \$528.85 FOR THE CURRENT YEAR AS OUTLINED IN THE MEMORANDUM FROM TERRY HJARNE, ACTING COLLECTOR OF REVENUE TO JOHN D. WARD, TOWN ADMINISTRATOR DATED 06-08-2009.

Council Member Motola, seconded by Council Member Schaefer made a motion to approve the request for tax funds prior years and current year in the amount of \$528.85. Motion carried unanimously.

- C 2. **Request the Town Council approve the submission of an OPM Law Enforcement JAG Grant, Connecticut Local Pass-Through JAG Program in the amount of \$30,000.00 by the Vernon Police Department, to be used for an upgrade to building security at the Police Station.**

PROPOSED MOTION:

THE TOWN COUNCIL HEREBY AUTHORIZES MAYOR JASON L. MCCOY OR HIS DESIGNEE TO APPLY FOR AN OPM LAW ENFORCEMENT JAG GRANT IN THE AMOUNT OF THIRTY THOUSAND (\$30,000.00) DOLLARS AND AUTHORIZES MAYOR JASON L. MCCOY OR HIS DESIGNEE TO EXECUTE ANY DOCUMENTS NECESSARY TO RECEIVE THE GRANT.

Council Member Motola, seconded by Council Member Schaefer made a motion to approve the submission of an OPM Law Enforcement JAG Grant, Connecticut Local Pass-Through JAG Program in the amount of \$30,000 by the Vernon Police Department to upgrade building security at the police station. Motion carried unanimously

- C 3. **Request the Town Council approve budget amendments #46-50 for fiscal year 2008-2009, as provided by James Luddecke, Finance Officer.**

PROPOSED MOTION:

THE TOWN COUNCIL HEREBY APPROVES BUDGET AMENDMENTS #46-50, FOR FISCAL YEAR 2008-2009, AS OUTLINED IN THE BUDGET AMENDMENT FORMS PROVIDED BY THE FINANCE OFFICER.

Council Member Fox, seconded by Council Member O'Shea made a motion to approve budget amendments 46-50 for FY 2008 – 2009. Discussion took place. Motion carried unanimously.

- C 4. Request the Town Council approve the reappointment of Jean Luddy (D), 44 Oxbow Drive, Vernon, Connecticut 06066, as a regular member of the Vernon Cemetery Commission for a term beginning 07-01-2009 and ending on 06-30-2012.**
(A copy of Jean Luddy's resume is included in the packet.)

PROPOSED MOTION:

PURSUANT TO C.S.A. § 19A-296; CHARTER CHAPTER VIII, SECTION 10, THE TOWN COUNCIL HEREBY APPROVES THE REAPPOINTMENT OF JEAN LUDDY, (D), 44 OXBOW DRIVE, VERNON, CONNECTICUT 06066, AS A REGULAR MEMBER OF THE VERNON CEMETERY COMMISSION FOR A TERM BEGINNING 07-01-2009 AND ENDING ON 06-30-2012.

Council Member Motola, seconded by Council Member Schaefer made a motion to approve the reappointment of Jean Luddy as a regular member of the Vernon Cemetery Commission for a term of 7-1-09 through 6-30-2012. Motion carried unanimously.

- C 5. Request the Town Council approve the reappointment of Kim Rivest (D), 15 Earl Street, Vernon, Connecticut 06066, as a regular member of the Human Services Advisory Commission for a term beginning 07-01-2009 and ending on 06-30-2011.**
(A copy of Kim Rivest's resume is included in the packet.)

PROPOSED MOTION:

PURSUANT TO CHARTER CHAPTER XV, SEC. 3, 05-02-1989 TOWN COUNCIL RESOLUTION VOL. 24, PAGE 382 AS AMENDED/VOL.37 PAGE 266 AND TOWN COUNCIL RESOLUTION DATED 02-19-2002, THE TOWN COUNCIL HEREBY APPROVES THE REAPPOINTMENT OF KIM RIVEST (D), 15 EARL STREET, VERNON, CONNECTICUT 06066, AS A REGULAR MEMBER OF THE HUMAN SERVICES ADVISORY COMMISSION FOR A TERM BEGINNING 07-01-2009 AND ENDING ON 06-30-2011.

Council Member Motola, seconded by Council Member Schaefer made a motion to approve the reappointment of Kim Rivest as a regular member of the Human Services Advisory Commission for a term of 7-1-09 through 6-30-2011. Motion carried unanimously.

- C 6. Request the Town Council approve the reappointment of Philip Bunick (U), 145 Blue Ridge Drive, Vernon, Connecticut 06066, as a regular member of the Human Services Advisory Commission for a term beginning 07-01-2009 and ending on 06-30-2011.**
(A copy of Philip Bunick's resume is included in the packet.)

PROPOSED MOTION:

PURSUANT TO CHARTER CHAPTER XV, SEC.3, 05-02-1989 TOWN COUNCIL RESOLUTION VOL. 24, PAGE 382 AS AMENDED/VOL. 37 PAGE 266 AND TOWN COUNCIL RESOLUTION DATED 02-19-2002, THE TOWN COUNCIL HEREBY APPROVES THE REAPPOINTMENT OF PHILIP BUNICK (U), 145 BLUE RIDGE DRIVE, VERNON, CONNECTICUT 06066, AS A REGULAR MEMBER OF THE HUMAN SERVICES ADVISORY COMMISSION FOR A TERM BEGINNING ON 07-01-2009 AND ENDING ON 06-30-2011.

Council Member Motola, seconded by Council Member Schaefer made a motion to approve the reappointment of Philip Budnick as a regular member of the Human Services advisory Commission for a term of 7-1-2009 through 6-30-2011. Motion carried unanimously.

- C 7. Request the Town Council approve the reappointment of Vincent Shaheen (R), 60 Hillside Avenue, Vernon, Connecticut 06066, as a regular member of the Economic Development Commission for a term beginning on 07-01-2009 and ending 06-30-2014.** (A copy of Vincent Shaheen's resume is included in the packet.)

PROPOSED MOTION:

PURSUANT TO C.G.S. § 7-136 AND ORDINANCE NO. 15; TOWN CODE SECTION 10-81 AND 82, THE TOWN COUNCIL HEREBY APPROVES THE REAPPOINTMENT OF VINCENT SHAHEEN (R), 60 HILLSIDE AVENUE, VERNON, CONNECTICUT 06066, AS A REGULAR MEMBER OF THE ECONOMIC DEVELOPMENT COMMISSION FOR A TERM BEGINNING ON 07-01-2009 AND ENDING 06-30-2014.

Council Member Motola, seconded by Council Member O'Shea made a motion to approve the reappointment of Vincent Shaheen as a regular member of the Economic Development Commission for a term of 7-1-2009 through 6-30-2014. Discussion took place. Motion carried, Council Members Schaefer and Herold abstained.

- C 8. Request the Town Council approve the reappointment of Alan Eisenberg (U), 77 Greylock Road, West Newton, Massachusetts 02465, as a regular member of the Economic Development Commission for a term beginning 07-01-2009 and ending 06-30-2014.** (A copy of Alan Eisenberg's resume is included in the packet.)

PROPOSED MOTION:

PURSUANT TO C.G.S. § 7-135 AND ORDINANCE NO. 15; TOWN CODE SECTION 10-81 AND 82, THE TOWN COUNCIL HEREBY APPROVES THE REAPPOINTMENT OF ALAN EISENBERG (U), 77 GREYLOCK ROAD, WEST NEWTON, MASSACHUSETTS 02465, AS A REGULAR MEMBER OF THE ECONOMIC DEVELOPMENT COMMISSION FOR A TERM BEGINNING 07-01-2009 AND ENDING 06-30-2014.

Council Member Motola, seconded by Council Member Thomas made a motion to approve the reappointment of Alan Eisenberg as a regular member of the Economic Development Commission for a term of 7-1-2009 through 6-30-2014. Discussion took place. Motion carried, Council Member Herold opposed, Council Members Schaefer and Herbst abstained.

- C 9. Request the Town Council approve the reappointment of Joseph Grabinski, (R), 623 Dart Hill Road, Vernon, Connecticut 06066, as a regular member of the Board of Assessment Appeals for a term beginning on 07-01-2009 and ending on 06-30-2012.** (A copy of Joseph Grabinski's resume is included in the packet.)

PURSUANT TO C.G.S. § 7-105 AND CHARTER CHAPTER IX, SECTION 3, THE TOWN COUNCIL HEREBY APPROVES THE REAPPOINTMENT OF JOSEPH GRABINSKI (R), 623 DART HILL ROAD, VERNON, CONNECTICUT 06066, AS A REGULAR MEMBER OF THE BOARD OF ASSESSMENT APPEALS FOR A TERM BEGINNING ON 07-01-2009 AND ENDING ON 06-30-2012.

This item was pulled from the agenda. No action taken.

F.) PENDING BUSINESS

1. Continuation of a discussion regarding the legal opinion requested by Council Member Marie Herbst regarding wage reductions during the budget discussion for the 2009-2010 budget.

PROPOSED MOTION

NO MOTION

Discussion took place regarding the Town Council, and Building Inspector funding cuts.

Council Member Herbst made the following motion:

MOTION:

THE TOWN COUNCIL MOVES TO RESTORE TO THE TOWN CLERK LINE ITEM NUMBER 51010 THE FULL AMOUNT AS ORIGINALLY PRESENTED BY THE MAYOR IN HIS BUDGET THE TOTAL AMOUNT IS \$192,034. THIS AMOUNT TO BE FUNDED FROM RESOURCES IDENTIFIED BY THE ADMINISTRATION OR THE FINANCE OFFICER.

RECESS (8:04 PM)

RECONVENE (8:10 PM)

Discussion took place regarding the motion. Mr. Luddecke presented options for restoring the funding. He recommended this subject be taken up in the 2010 fiscal year. He explained how changes are made to line items.

Council Member Etre called for a point of order stating that the minutes did not reflect the points being made in the discussion.

Council Member Anderson called the motion out of order.

Mayor McCoy ruled the motion out of order as changes to the budget cannot be made prior to the new budget year. Changes need to be made in the 2010 fiscal year.

Council Member Herold request job descriptions if this item comes up at a future meeting.

G.) NEW BUSINESS

1. Requested update from Council Member Marie Herbst on the status of the 2008-2009 fiscal year. (This item was a verbal request by Mrs. Herbst at the June 2, 2009 Town Council Meeting.) (Mr. James Luddecke, Finance Officer has been invited to attend and answer questions. It is requested that this item be postponed until the July meeting.)

PROPOSED MOTION:

NO MOTION

This item was postponed to the July 26, 2009 meeting.

2. **Request the Town Council allocate funds from the Downstream Fund for a Study on Aquatic Plants and Overall Ecology of the Tankerhoosen, Dobsonville, Talcottville, Valley Falls, Walker's Reservoir and Ecker's Pond.**

PROPOSED MOTION:

RESOLVED, THE TOWN COUNCIL AUTHORIZES THE EXPENDITURE OF \$4,800.00 FROM THE DOWNSTREAM FUND TO CONDUCT BASELINE AQUATIC PLANT SURVEYS AND THE OVERALL ECOLOGY OF THE DOBSONVILLE, TANKERHOUSEN, TALCOTTVILLE, VALLEY FALLS AND ECKERS POND AND WALKERS RESERVOIR.

Council Member Motola, seconded by Council Member Thomas made a motion to allocate funds in the amount of \$4,800.00 from the Downstream Fund for a study on aquatic plants and overall ecology of the Tankerhoosen, Dobsonville, Talcottville, Valley Falls, Walker's Reservoir and Ecker's Pond. Discussion took place. Mr. Dinnie was available to answer questions regarding the invasive plant, "variable milfoil". Mr. Dinnie will work with Administration to determine which other water sources will be reviewed. Motion carried unanimously.

H.) **INTRODUCTION OF ORDINANCES**

None

I.) **ACTION ON ORDINANCES PREVIOUSLY PRESENTED**

None

J.) **DISCUSSION OF ADDITIONAL AGENDA ITEMS**

Informational Item #2: Council Member Campbell requested the longest and shortest response times be added to future reports.

Informational Item #3: Council Member Herold requested that the report be brief in certain areas for privacy issues.

Discussion took place regarding the organizational charts handed out.

K.) **ADOPTION OF MINUTES**

THE TOWN COUNCIL WAIVES THE READING OF THE MINUTES OF THE REGULAR MEETING OF JUNE 2, 2009 AND THAT MINUTES OF SAID MEETING BE APPROVED.

Council Member Motola, seconded by Council Member Schaefer made a motion to approve the minutes of the June 2, 2009 regular Town Council meeting. Council Member Herbst requested the person who called the meeting to order be added to future minutes. Motion carried unanimously.

THE TOWN COUNCIL WAIVES THE READING OF THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING OF APRIL 28, 2009 AND THAT MINUTES OF SAID MEETING BE APPROVED.

Council Member Motola, seconded by Council Member Thomas made a motion to approve the minutes of the April 28, 2009 special Town Council meeting. Motion carried, Council Members Herold, O'Shea and Schaefer abstained.

L.) EXECUTIVE SESSION**SESSION ONE:**

Council Member Motola, seconded by Council Member Schaefer made the following motion to go into executive session:

MOTION:

THE TOWN COUNCIL, PURSUANT TO THE AUTHORITY GIVEN IN CONNECTICUT GENERAL STATUTES § 1-200(6) (D) HEREBY MOVES TO GO INTO EXECUTIVE SESSION at 9:10 PM REGARDING PROPERTIES ON WARD STREET AND INVITES JOHN D. WARD, TOWN ADMINISTRATOR AND TOWN ATTORNEY HAL CUMMINGS TO ATTEND.

Motion carried unanimously.

Council Member Motola, seconded by Council Member Etre made the following motion:

MOTION:

THE TOWN COUNCIL AUTHORIZES THE TOWN ADMINISTRATOR TO ENTER INTO A CONTRACT FOR THE PURCHASE OF 11 WARD STREET AND 12 WARD STREET. THE CONTRACT IS SUBJECT TO APPROVAL BY THE TOWN ATTORNEY AND FUNDING IS TO BE APPROPRIATED BY THE TOWN COUNCIL.

Motion carried unanimously.

SESSION TWO:

Council Member Motola, seconded by Council Member Schaefer made the following motion to go into executive session:

MOTION:

CONSISTENT WITH THE CONNECTICUT FREEDOM OF INFORMATION ACT, GENERAL STATUTES 1-200 (6)(B), THE TOWN COUNCIL HEREBY MOVES TO GO INTO EXECUTIVE SESSION REGARDING THE FOLLOWING MATTERS IN LITIGATION:

JEFFREY APARTMENTS OF VERNON LLC V TOWN OF VERNON, DOCKET NO. CV07-4007316.

HIGHLAND APARTMENTS LLC V TOWN OF VERNON, DOCKET NO. CV-07-4007315S.

WEST MAIN STREET APARTMENTS LLC V THE TOWN OF VERNON, DOCKET NO. CV-07-4007317S (TWO CLAIMS)

JANAKI CORPORTION LLC V TOWN OF VERNON, DOCKET NO. CV07-4007523S.

THE FOLLOWING INDIVIDUALS ARE INVITED TO ATTEND: JOHN D. WARD, TOWN ADMINISTRATOR, DAVID WHEELER, TOWN ASSESSOR AND HAL CUMMINGS, TOWN ATTORNEY.

Council Member Motola, seconded by Council Member Etre made the following motion:

MOTION:

IN THE APPEAL FILED BY HIGHLAND APARTMENTS OF VERNON, LLC IN TOLLAND COUNTY SUPERIOR COURT BEARING DOCKET NO. CV-07-407315S REGARDING THE PROPERTY LOCATED AT 14 HIGHLAND AVENUE, VERNON, AS OF THE ASSESSMENT DATE OF OCTOBER 1, 2006, THE VALUE FOR THE LAND SHALL BE SET AT \$448,000 AND THE VALUE OF THE BUILDINGS SHALL BE SET AT \$2,052,000 FOR A TOTAL VALUE OF THE PREMISES TO BE SET AT \$2,500,000.

Motion carried unanimously.

Council Member Motola, seconded by Council Member Schaefer made the following motion:

MOTION:

IN THE APPEAL FILED BY WEST MAIN APARTMENTS, LLC IN TOLLAND COUNTY SUPERIOR COURT BEARING DOCKET NO CB-07-4007317S THE VALUE OF THE LAND AT 74 WEST MAIN STREET SHALL BE SET AT \$54,900 AND THE VALUE OF THE BUILDINGS AT \$137,100 FOR A TOTAL VALUE FOR THE PREMISES OF \$192,000. AND THE VALUE OF THE LAND AT 46 WEST MAIN STREET SHALL BE SET AT \$58,500 AND THE VALUE OF THE BUILDINGS AT THAT ADDRESS SHAL BE SET AT \$649,500 FOR A TOTAL VALUE OF THE PREMISES AT \$708,000.

Motion carried unanimously.

Council Member Motola, seconded by Council Member Schaefer made the following motion:

MOTION:

IN THE APPEAL FILED BY JEFFREY APARTMENTS, LLC IN TOLLAND COUNTY SUPERIOR COURT BEARING DOCKET NO. CV-07-4007316 REGARDING THE PROPERTY LOCATED AT 16 PROGRESS AVENUE THE VALUE OF THE LAND SHALL BE SET AT \$64,800 AND THE VALUE OF THE BUILDINGS AT \$535,200 FOR A TOTAL VALUE OF \$600,000.

Motion carried unanimously.

Council Member Motola, seconded by Council Member Schaefer made the following motion:

MOTION:

IN THE APPEAL FILED BY JANAKI CORP, LLC, IN TOLLAND COUNTY SUPERIOR COURT BEARING DOCKET NO. CV 07-4007523S REGARDING THE PROPERTY LOCATED AT 451 HARTFORD TURNPIKE THE VALUE OF THE LAND SHALL BE SET AT \$564,540 AND THE VALUE OF THE BUILDINGS AT \$1,535,460 FOR A TOTAL VALUE OF THE \$2,100,000.

Motion carried unanimously.

Council Member Motola, seconded by Council Member Thomas made the following motion:

MOTION:

THE MAYOR, JASON MCCOY, SHALL BE AUTHORIZED TO SIGN ALL DOCUMENTS INCLUDING BUT NOT LIMITED TO A STIPLULATIONS FOR JUDGEMENT TO SETTLE THESE TAX APPEALS AS STATED IN THIS MOTION.

Motion carried unanimously.

Council Member Motola, seconded by Council Member Herbst made the following motion:

MOTION:

BASED UPON THE REVISED ASSESSMENT IF THE PLAINTIFFS HAVE OVERPAID TAXES, SUCH OVERPAYMENTS WILL BE CALCULATED AND REFUNDED AS SET OUT IN THE STIPLUATIONS FOR JUDGEMENT WITHIN 30 DAYS OF THE JUDGEMENT ENTERING WITHOUT INTEREST.

Motion carried unanimously.

M.) INFORMATIONAL ITEMS

1. Town Clerk Monthly Report for May, 2009 as submitted by Bernice Dixon, Town Clerk.
2. Ambulance Report for May, 2009 as submitted by Coordinator Jean Gauthier.
3. Police Department Monthly Report for May, 2009 as submitted by Captain Stephen Clark.
4. Youth Service Bureau Monthly Report of May, 2009 as submitted by Alan Slobodien, Director.
5. Invitation to the Pool Party at Horowitz Pool on July 1, 2009 for "July in the Sky".

Adjourn (9:48 PM)

Council Member Fox, seconded by Council Member Etre made a motion to adjourn. Motion carried unanimously.

Received:

Approved:

Respectfully Submitted,

Jill Kentfield
Recording Secretary